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## **OLR Bill Analysis**

### **HB 6556**

#### ***AN ACT CONCERNING SICK BUILDINGS.***

##### **SUMMARY:**

This bill specifically makes sick building syndrome a covered disease under workers' compensation law. It expands the definition of an injury or disease arising out of and in the course of a person's employment to specifically include sick building syndrome and any building-related illness.

The bill adds illness, and specifically sick building syndrome and building-related illness, to the statutory causes of employee disability under state employee Tier I retirement law. This explicitly makes these illnesses an acceptable cause of an employee's inability to work for disability retirement purposes. But the bill does not change the Tier II disability retirement law.

It defines "sick building syndrome" but does not define "building-related illness."

EFFECTIVE DATE: October 1, 2013

##### **WORKERS' COMPENSATION**

The bill expands the definition, under workers' compensation law, of an injury or disease arising out of and in the course of a person's employment to specifically include sick building syndrome and any building-related illness.

It defines "sick building syndrome" as any illness or health problem arising in an employee that can be directly attributed, due to a significant number of cases, to the presence of mold, fungi, or other allergens on the employer's premises.

Under workers' compensation law, the injury or disease must either

totally or partially impair an employee so as to prevent the employee from doing his or her job. This means the employee would have to show that (1) there are a significant number of cases and (2) the specified allergens on the employer's premises impair the employee's ability to do his or her job.

The bill does not define "building-related illness." Therefore it is unclear how this provision would be interpreted through the workers' compensation claims system.

### **DISABILITY RETIREMENT**

The bill adds sick building syndrome and building-related illness to the state employee Tier I disability retirement law, but does not change the Tier II disability retirement law. State employee retirement benefits are the subject of collective bargaining, and when bargaining agreements conflict with the law, the agreement prevails (CGS § 5-278(e)). So it is unclear whether this provision would have any effect if enacted.

Furthermore, Tier I closed to new employees on June 30, 1984, so most, if not all, current Tier I employees could qualify for a regular retirement if they are still working at this bill's effective date. Tier I employees qualify for regular retirement benefits if they are 55 years old with at least 25 years of service. Regular retirement benefits are more generous than disability retirement benefits. An employee starting in June 1984 would have 29 years of service by this June.

### **COMMITTEE ACTION**

Labor and Public Employees Committee

Joint Favorable

Yea    7        Nay    3        (03/19/2013)